

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF
AMERICA ,

No. CR 05-0547 PJH

Plaintiff,

ORDER STAYING
DRUG/ALCOHOL TESTING AND
WARRANTLESS SEARCH
REQUIREMENTS IN PRETRIAL
RELEASE CONDITIONS

v.

DUKE DESHAWN WOODS,

IT IS HEREBY ORDERED, in light of the recent decision by the Court of Appeals for the Ninth Circuit in *United States v. Scott*, 424 F.3d 888 (9th Cir. September 9, 2005), that the provisions of any order (including any pretrial bond) previously entered by any judge of this court that subjected a defendant whose case has not been resolved (by trial, motion, or change of plea) to random tests for substance abuse (drugs or alcohol) and/or to warrantless searches are STAYED.

Defendants who have been convicted (by guilty plea or trial) and who are awaiting sentence or self-surrender remain subject to *all* release conditions previously imposed, including random testing for substance abuse and/or warrantless searches.

Substance abuse treatment programs and half-way houses (e.g., Cornell Corrections) fix the terms and conditions under which persons may be admitted to and


1 remain in their programs. These programs may expel or terminate any person who
2 refuses to comply with or who violates the terms and conditions set by the programs.
3 If a defendant who was ordered by the court, as a condition of pretrial release, to
4 participate in a substance abuse program or to reside in a half-way house, is terminated
5 or expelled from the program, it will be necessary for the court to reconsider whether
6 that defendant may remain out of custody (on a changed set of conditions) pending
7 the disposition of the criminal proceedings.

8 Persons who signed bonds as SURETIES and/or who agreed to serve as
9 CUSTODIANS for a defendant who was subjected, under the terms of the bond, to
10 substance abuse testing and/or warrantless searches, are hereby NOTIFIED THAT
11 THE TERMS OF THE BOND HAVE BEEN CHANGED as reflected above.

12 IT IS FURTHER ORDERED that the Pretrial Services Office shall mail a copy
13 of this ORDER AND NOTICE to all sureties and/or custodians on bonds whose
14 provisions for substance abuse testing and/or warrantless searches are stayed by this
15 ORDER.

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17 IT IS SO ORDERED.

18 Dated: November 10, 2005



Honorable Bernard Zimmerman
United States Magistrate Judge

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21 Copies to: Pretrial, U.S. Attorney,
22 Office of Public Defender.

23 file: order and notice re changing release conditions
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